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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **UEMURA et al.**

Confirmation No.: 2254

Application No.: 09/845,336

Group: 2818

Filed: May 1, 2001

Examiner: A. Huynh

Title: GROUP III NITRIDE COMPOUND
SEMICONDUCTOR LIGHT-EMITTING
DEVICE

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April 30, 2002

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REQUEST FOR RECONSIDERATION

Hon. Commissioner of Patents
Washington, D. C. 20231

Sir:

In response to the Office Action dated January 31, 2002, and the telephone interview of April 16, 2002, Applicants submit the following remarks.

Reconsideration and allowance of this Application are respectfully requested.

Claims 1-14 are pending in the application, of which claims 8-14 are allowed. Further, Applicants appreciate the Examiner's indication that claims 3-7 would be allowable if rewritten in independent form. Instead of rewriting claims 3-7 in independent form, Applicants respectfully submit that claims 3-7 are at least allowable based on their dependency on independent claim 1, which is allowable for at least the reasons set forth below.

The Examiner has objected to the drawings and has particularly indicated that Figure 4B should be designated with a legend such as "Prior Art" because only that which is old is illustrated. However, as evidenced by the Declaration under 37 C.F.R. §1.132 filed concurrently herewith, Figure 4B and the related description in the application describes Applicants' in-house technology and is not admitted prior art. Therefore, Figure 4B has not been amended as suggested by the Examiner because Figure 4B does not show prior art.

The Office Action rejected claims 1-2 under 35 U.S.C. § 102 (a) over Figure 4B of Applicants' admitted prior art. Applicants traverse this rejection because Figure 4B is not admitted prior art.

None of the cited references discloses a group III nitride compound semiconductor light-emitting device, as recited in claim 1. Accordingly, claim 1 is allowable and reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

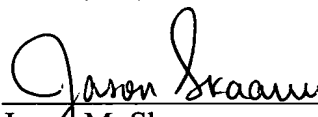
Claim 2 depends from claim 1. By virtue of its dependency on claim 1, rejected claim 2 also includes this subject matter. As such, dependent claim 2 is allowable for at least the same reasons as independent claim 1. Reconsideration and withdrawal of the rejection of claim 2 are respectfully requested.

All of the stated grounds of objection and rejection have been properly traversed. In view of the foregoing, the claims and specification are in form for allowance, and such action is hereby solicited. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is requested to call the undersigned at the number provided.

Respectfully submitted,

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Attachment: Rule 132 Declaration

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